

RECORDS MANAGEMENT COMMITTEE
City Clerk's Conference Room 1st Floor, City Hall,
400 Stewart Avenue, Las Vegas, Nevada
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

May 18, 2001
1:30 p.m.

CALL TO ORDER: City Clerk Ronemus called the meeting to order at 1:55 p.m.

ATTENDANCE: Barbara Jo (Roni) Ronemus, City Clerk
Doug Selby, Deputy City Manager
John Redlein, Assistant City Attorney
Mark Vincent, Director, Finance & Business Services (excused after 2:34)
Joseph Marcella, Director, Information Technologies (arrived at 1:58)
Mary Ann Sosa, for the Director of Public Works
Radford Snelding, City Auditor
Sharon Kuhns, Records Administrator
David Riggleman, Director, Communication Services
Vicky Darling, Assistant Deputy City Clerk

ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(1:55)

1-1

BUSINESS:

- A. APPROVAL OF FINAL MINUTES OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF APRIL 27, 2001.

REDLEIN - Motion to APPROVE – SNELDING - seconded the motion – UNANIMOUS with Marcella excused

(1:55)

1-27

- B. DISCUSSION AND POSSIBLE ACTION ON THE DEPARTMENTAL RETENTION SCHEDULES AND PROPOSED PLAN FOR REVIEW.

Ms. Kuhns outlined the new format for the retention schedule that includes records category numbers at the bottom as well as the definitions. Also provided as backup is the proposed procedure for department retention schedule review that basically provides a list of duties for the Records Administrator in conjunction with the Records Delegates. It was determined at the last

meeting that only those schedules with exceptions such as extra long retention periods or new record series not addressed by the Nevada Administrative Code (NAC) come before the Records Management Committee. She requested direction regarding the proposed review by City Attorney, City Audit and Finance Departments. Assistant City Attorney Redlein stated that except in cases involving litigation, the City Attorney's office would not provide guidance regarding any schedule that complied with State requirements. City Auditor Snelling pointed out that unless an issue was raised as part of an audit, in which case the matter would be included as a finding within such audit, his staff would not make any findings on independent schedules. Mr. Vincent agreed that his Department would not have any justification to countermand another Department's retention schedule that complied with State and NAC standards. Chair Ronemus summed up that the proposed review would not be incorporated into the procedure. Ms. Kuhns added that it is unlikely that two departments would attempt to claim the same document since the establishment of Office of Primary Responsibility eliminates the controversy and the need for a separate, independent review.

Ms. Kuhns indicated that she consulted with State Record Archivist Robert Van Straten regarding NAC 239.155(5) in the Local Government Manual introductory section on Page 15. That section says that retention schedules approved by the State Archivist is returned to the City which is then finalized by incorporation into an ordinance or resolution adopted by the Council. That changes the approval procedure so that schedules will be coordinated, reviewed by the Records Administrator with the Records Delegate, any exceptions will be brought before the Committee, forwarded by the Records Administrator of the State who will return them with a letter of approval and finally submit to Council requesting acceptance and then incorporation into the ordinance.

Ms. Kuhns pointed out that NRS 239.125 states that since retention schedules have already been approved by the State Archivist, any other government entity may incorporate by noting that the record series are those to be used by the City departments. That makes for an easy process but does not acknowledge specialty series within departments. That pulls things in two different directions. In conversation with Mr. Van Straten, Ms. Kuhns advised him that it would be better to include the information regarding all records to be retained on one schedule regardless of the authority rather than using one form for records covered by State authority and a separate form for those documents covered by any other authority. Those series not included in NAC would be clearly identified on the form. Ms. Kuhns clarified that exceptions would never be a shorter period than the state standard, but there might be justification for a longer retention. It would mostly involve records for which there is no category in NAC. For example, City Manager Informational Reports (CMIR) are not provided for except for those which fit into a specific category. Likewise Neighborhood Services works with grants for which there are Federal retention requirements but no NAC authority. Mr. Van Straten was supportive of whatever technique would work best for the City.

Ms. Kuhns added that a list of those departments with retention schedules was provided at the bottom of the page as well as those departments outstanding. Chair Ronemus questioned whether any department who had a retention schedule has conducted a review given the Office of Primary Responsibility and criteria established by the Committee. Ms. Kuhns responded that

only Detention and Enforcement has completed doing so and Finance Administrative Division through Ann Bonk is in the process of doing so.

Chair Ronemus discussed with Assistant City Attorney Redlein and Ms. Kuhns the status of the retention schedule for the City Attorney's office and noted that the bigger job for Mr. Rigglesman will be the schedule for electronic documents. However, a review of the paper records should be a good first step for the Public Information Office.

Chair Ronemus suggested that the timeframes for review of retention schedules and the procedure therefore should be a new chapter to the Records Manual. That chapter would define the Records Administrator's duties as well as those of the Records Delegates. Also included should be the process for bringing exception before the Committee. Completing such a manual is a task assigned to this Committee and a priority for the Chair. Mr. Marcella concurred that a new chapter would be convenient. Ms. Kuhns suggested that the review process be tied to a time frame which allows for the nine to twelve months following a legislative session in order to incorporate NAC changes/updates. Chair Ronemus directed that Ms. Kuhns present a preliminary workup for such a chapter.

City Auditor Snelding confirmed that the Committee will go on and meet no less than quarterly to address internal issues and changes in the legislative standards. Chair Ronemus noted that the Committee has met more frequently than that because it had started out so far behind.

There was no further discussion.

RONEMUS - Motion to direct staff to compile a proposed plan of action and procedure for the execution of the department records retention schedule – MARCELLA - seconded the motion - UNANIMOUS

(1:56 – 2:15)

1-48

C. DISCUSSION AND POSSIBLE ACTION ON REVISION OF MUNICIPAL CODE CHAPTER 2.60 RECORDS MANAGEMENT.

Chair Ronemus called Item C and then subsequently called Item D as a portion of the discussion related to Item D. The Committee reviewed material contained within the Local Government Records Manual pertaining to Section 239 and NAC in order to compare it to the City code. Chair Ronemus and Assistant City Attorney Redlein discussed the fact that the City definitions are far more extensive and detailed which could create a situation where an item not specifically excluded could be deemed to be included. Assistant City Attorney Redlein used phone message logs and cover letters for brochures as examples. Chair Ronemus rebutted that both items are excluded. Phone message logs are specifically excluded in the Records Manual and cover/form letters would fall under the definition of general correspondence with no legal significance and no retention value. The Records Manual has been reviewed by the directors and will be going to the City Manager's office for review and release to the employee association. In addition, the Public Information Office will review the Records Manual with the press after such distribution by the City Manager's office. Ms. Kuhns responded that as an

excluded record by definition, form cover letters would not be listed on the retention schedule. Assistant City Attorney Redlein confirmed that cover letters transmitting contracts or criminal discovery would be retainable. He reiterated his concern that definitions be kept as broad as possible without trying to change state law. The additional detail may give the appearance that the City is capturing other stuff. Mr. Vincent stated that such would not be the intent.

Chair Ronemus stated that the toughest task is going to be definitions which was being put off to the end. She suggested that the drafted revisions to LVMC 2.60, the establishment of the Committee, the Committee's responsibilities and the responsibilities of the directors have been completed could be put into ordinance format to differentiate between what is and what has been proposed might facilitate review in one effort. There has been discussion at a previous meeting regarding documents of the Municipal Court. There is a section within the City's code regarding judicial records. The code sets out that the retention schedule to be implemented by the Court Administrator shall be approved by the Judges by adoption of a court rule by majority vote. Assistant City Attorney Redlein responded that there is no authority that makes the Court different than any other department. That section of the code merely makes all the judges equal in the creation of a retention schedule by requiring a vote. Chair Ronemus stressed that the applicable code section should be reviewed by the Committee to determine whether any recommendations for change would be appropriate and Mr. Gronquist should be invited to be present during that review. Assistant City Attorney Redlein volunteered to research the definitions prior to the next meeting and make a presentation to the Committee.

Chair Ronemus read the responsibilities of the City Clerk within the existing code. Assistant City Attorney Redlein noted that Subsection A appears to have been reassigned to the Records Committee and Subsections B, C and D remain the responsibility of the City Clerk. Chair Ronemus and Ms. Kuhns discussed the benefit of waiting for the State to create guidelines for electronic records before the City addresses them. Chair Ronemus directed that Ms. Kuhns provide copies of the State authority, which would include NRS 52, NRS 239 and NAC 239, for the next meeting. This job will be a major undertaking.

There was no further discussion.

(2:15 – 2:37)

1-668

D. REPORT ON THE MUNICIPAL RECORDS MANUAL.

All discussion took place jointly with Item C above.

(2:15 – 2:37)

1-668

E. INFORMATIONAL MATTERS FOR FUTURE AGENDAS.

Mr. Riggleman advised that the cancelled Public Information Office committee meeting will be rescheduled and Ms. Kuhns will be on that agenda to make her presentation.

Mr. Marcella advised that Ms. Kuhns provided a presentation to the other entities for Southern Nevada regarding records management. She greatly impressed them with her performance and the records management job being done by the City. That has lead them in the direction for electronic records management. Assistant City Attorney Redlein asked for a comparison between the City and other Southern Nevada entities. Ms. Kuhns replied that the City is doing really well. Every city government and clerk has the responsibility for records and it is up to that individual City Clerk to determine and implement the program. Las Vegas is leaps and bounds ahead of the other entities. According to Mr. Van Straten, other entities have just incorporated the NAC without doing an inventory. Mr. Marcella added that this City has been selected to go up north to address electronic records. Chair Ronemus concurred that Ms. Kuhns will be on that committee.

Chair Ronemus and Assistant City Attorney Redlein confirmed that he will have one more, brief opportunity to review the Manual before it is forwarded to the City Manager's office. The content is actually unchanged, just reformatted for convenience and appearance.

(2:37 – 2:43)

1-1702

CITIZENS PARTICIPATION:

None.

ADJOURNMENT:

SOSA - Motion to ADJOURN – SELBY - seconded the motion - UNANIMOUS with Vincent excused

The meeting adjourned at 2:43 p.m. **(1-1646)**

/vwd